

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SANDRA M. BRITT

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:04CV615-LG-RHW

CINGULAR WIRELESS LLC, et al

DEFENDANTS

ORDER DENYING MOTION TO STRIKE EXPERT

Before the Court is Defendant's [78] Motion to Strike Expert Designation. Defendant argues that the Court should strike the designation of George T. Tate, a clinical psychologist, as an expert in the case. Plaintiff named Dr. Tate as an expert to testify in support of her claim that she suffered certain injuries as a result of an alleged sexually hostile work environment. In support of this Motion, Defendant argues that the expert report does not conform to the requirements of Fed. R. Civ. P. 26 in that Dr. Tate's report fails to provide a listing of other cases in which he has testified as a witness, and the expert report fails to specify the basis and reasons for his opinion. Plaintiff counters that Dr. Tate provided a sufficient report as to basis and reasons for his opinion. Furthermore, she argues that she designated Dr. Tate as an expert because he was a treating and examining physician.

The Court concludes that, to the extent he will be used as an expert witness, Dr. Tate's testimony should be limited to that of a "treating physician". The Local Rules state that treating physicians must be designated as experts, but that a treating physician is "only required to provide the facts known and opinions held by the treating physician(s) and a summary of the grounds therefor." Local Rule 26.1(A)(2)(e). Dr. Tate's expert testimony, therefore, will be

limited to the statements in his report, records, and deposition testimony.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's [78] Motion to Strike is DENIED, but subject to the limitations outlined in this Order.

SO ORDERED, this the 11th day of September, 2006.

sl Robert H. Walker
UNITED STATES MAGISTRATE JUDGE